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Attorneys for Defendant

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

TRANSATLANTIC MARINE CLAIMS AGENCY,  
INC.

08 Civ. 6393 (LTS)

Plaintiff,

- against -

HANJIN SHIPPING CO. LTD.

Defendant.

**ANSWER**

Defendant, Hanjin Shipping Co. Ltd. ("Hanjin"), by its attorneys, Cichanowicz, Callan, Keane, Vengrow & Textor, LLP, answering plaintiff's complaint alleges upon information and belief as follows:

1. Denies knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 1.

2. Denies knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 2.

3. Denies the allegations of paragraph 3.

4. Admits that the HANJIN BALTIMORE was employed in the carriage of containerized cargo for hire and that Hanjin was a charterer of the vessel, but except as so specifically admitted, denies knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 4.

5. Admits that on or about May 20, 2007 there was delivered to feeder vessel SHENG DA 2 shipping container HJCU7624320 for carriage to a transshipment port and then on-carriage on the vessel HANJIN BALTIMORE to the port of Long Beach followed by rail carriage to Miami, all pursuant to Hanjin bill of lading HJSCFOCA01558802 for freight paid or to be paid, but except as so specifically admitted, denies the allegations of paragraph 5 .

6. Denies the allegations of paragraph 6.

7. Denies knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 7.

8. Denies the allegations of paragraph 8.

**AS AND FOR AFFIRMATIVE DEFENSES TO ALL CLAIMS, HANJIN  
ALLEGES UPON INFORMATION AND BELIEF AS FOLLOWS**

9. Repeat and reallege each and every admission, denial and denial of knowledge or information hereinabove set forth, with the same force and effect as if herein repeated and set forth at length.

**FIRST AFFIRMATIVE DEFENSE**

10. The above shipment was subject to all the terms, conditions and exceptions contained in a certain bill of lading issued therefor for which the shipper, owner, consignee or holder of said bill of lading agreed to be bound and are bound.

**SECOND AFFIRMATIVE DEFENSE**

11. Any loss and/or damage to the above shipment was due to causes for which Hanjin is not liable or responsible by virtue of the provisions the applicable Carriage of Goods by Sea Act and/or Harter Act and/or general maritime law.

**THIRD AFFIRMATIVE DEFENSE**

12. Any damage to and/or loss of the above shipment was caused by or due to the acts, omissions, fault or neglect of the owners of the shipment, the shipper or receivers and its agents or the nature of the shipment, including insufficiency of packing, inherent vice, or resulted from the acts, omissions, fault or neglect of other persons or entities for which Hanjin is neither responsible nor liable.

**FOURTH AFFIRMATIVE DEFENSE**

13. Hanjin's liability, if any, is limited to \$500 per package or, for goods not shipped in packages, \$500 per customary freight unit.

**FIFTH AFFIRMATIVE DEFENSE**

14. This Court is an improper forum pursuant to the forum selection clause in Hanjin's bill of lading.

WHEREFORE, Hanjin prays for:

- (a) Judgment dismissing plaintiff's complaint;
- (b) An award of all costs including attorneys' fees; and
- (c) Such other and further relief as this Court may deem just and proper.

Dated: New York, New York  
September 5, 2008

Respectfully submitted,

CICHANOWICZ, CALLAN, KEANE,  
VENGROW & TEXTOR, LLP  
Attorneys for Defendant

By: s/ Randolph H. Donatelli  
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To: Peltz & Walker  
222 Broadway – 25<sup>th</sup> Floor  
New York, New York 10038  
(212) 349-6775

**CERTIFICATE OF SERVICE BY REGULAR U.S. MAIL AND BY ECF**

The undersigned declares under penalty of perjury that the following is true and correct:

1. I am over the age of eighteen years and I am not a party to this action.
2. On September 5, 2008, I served a complete copy of Defendant Hanjin Shipping Co. Ltd.'s Answer, by regular U.S. mail and by ECF, to the following attorneys at their ECF registered address and at the following address:

To: Peltz & Walker  
222 Broadway – 25<sup>th</sup> Floor  
New York, New York 10038  
(212) 349-6775

  
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Jennifer Scianna

DATED: September 5, 2008  
New York, New York